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**Board of Vocational Nursing
and Psychiatric Technicians**

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9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. VN-2006-1337

12 DOROTHY MAE THOMPSON
3100 East Artesia Boulevard, Room 206
13 Long Beach, CA 90805
Vocational Nurse License No. VN 74482
14

A C C U S A T I O N

Respondent.
15

16 Complainant alleges:

17 **PARTIES**

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
19 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
20 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

21 2. On or about November 26, 1976, the Bureau of Vocational Nursing and
22 Psychiatric Technicians (Bureau) issued Vocational Nurse License Number VN 74482 to
23 Dorothy Mae Thompson (Respondent). The Vocational Nurse License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on February 28, 2009,
25 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Bureau under the authority of the
28 following laws. All section references are to the Business and Professions Code (Code) unless

otherwise indicated.

STATUTORY PROVISIONS

4. Code section 101.1, subdivision (b), states:

(1) In the event that any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the act that added this section, or by subsequent acts, the Department of Consumer Affairs shall succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of that board and its executive officer.

(2) Any provision of existing law that provides for the appointment of board members and specifies the qualifications and tenure of board members shall not be implemented and shall have no force or effect while that board is inoperative or repealed. Every reference to the inoperative or repealed board, as defined in Section 477, shall be deemed to be a reference to the department.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Section 4545, the Bureau may renew an expired license at any time within four years after the expiration.

6. Code section 150 states: "The department is under the control of a civil executive officer who is known as the Director of Consumer Affairs."

7. Code section 477 states:

As used in this division:

(a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

8. Section 490 of the Code provides, in relevant part, that the Bureau may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.

9. Section 2875 of the Code provides, in relevant part, that the Bureau may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

///

1 10. Section 2878 of the Code states:

2 The Board may suspend or revoke a license issued under this chapter [the
3 Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of
4 the following:

5

6 (e) Making or giving any false statement or information in connection
7 with the application for issuance of a license.

8 (f) Conviction of a crime substantially related to the qualifications,
9 functions, and duties of a licensed vocational nurse, in which event the record of
10 the conviction shall be conclusive evidence of the conviction.

11 11. Section 2878.6 of the Code states:

12 A plea or verdict of guilty or a conviction following a plea of nolo
13 contendere made to a charge substantially related to the qualifications, functions
14 and duties of a licensed vocational nurse is deemed to be a conviction within the
15 meaning of this article. The board may order the license suspended or revoked, or
16 may decline to issue a license, when the time for appeal has elapsed, or the
17 judgment of conviction has been affirmed on appeal or when an order granting
18 probation is made suspending the imposition of sentence, irrespective of a
19 subsequent order under the provisions of Section 1203.4 of the Penal Code
20 allowing such person to withdraw his plea of guilty and to enter a plea of not
21 guilty, or setting aside the verdict of guilty, or dismissing the accusation,
22 information or indictment.

23 REGULATORY SECTION

24 12. California Code of Regulations, title 16, section 2521, states:

25 For the purposes of denial, suspension, or revocation of a license pursuant
26 to Division 1.5 (commencing with Section 475) of the Business and Professions
27 Code, a crime or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a licensed vocational nurse if to a substantial
29 degree it evidences present or potential unfitness of a licensed vocational nurse to
30 perform the functions authorized by his license in a manner consistent with the
31 public health, safety, or welfare. . . .

32 COST RECOVERY

33 13. Section 125.3 of the Code provides, in relevant part, that the Bureau may
34 request the administrative law judge to direct a licensee found to have committed a violation or
35 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
36 and enforcement of the case.

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1 **ATTEMPT TO BURN AN INHABITED DWELLING - 1991**
2 **DISCHARGE OF A FIREARM IN AN INHABITED DWELLING - 1991**

3 f. On or about August 5, 1991, Respondent was convicted, of violating Penal
4 Code sections 246 (shooting at an inhabited dwelling), a felony, and section 455 (attempt to burn
5 a structure), a felony, in the criminal proceeding entitled *The People of the State of California v.*
6 *Dorothy Mae Thompson* (Super. Ct. Los Angeles County, Case No. TA010913).¹

7 g. Circumstances underlying the convictions are that on or about January 17,
8 1991, Respondent willfully discharged a firearm into the apartment of a neighbor, and attempted
9 to set fire to a residential dwelling, in the city of Compton, California.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Providing False Information in Connection with License Renewal)**

12 15. Respondent is subject to disciplinary action under Code section 2878,
13 subdivision (e), for providing false information to the Bureau in connection with the renewal of
14 her Vocational Nurse License. On her February 3, 2005 Renewal Application for a Licensed
15 Vocational Nurse, signed under penalty of perjury, Respondent answered "No" in response to the
16 question "Since you last renewed your license, have you been convicted of or pled nolo
17 contendere to any violation of any law of any state in the United States or a foreign country?" In
18 truth and in fact, Respondent had been convicted of a crime since her previous license renewal.
19 Specifically, on October 22, 2003, Respondent was convicted of making criminal threats, in
20 violation of Penal Code section 422. Complainant now refers to and incorporates all of the
21 allegations contained in sub-paragraphs 14(d) and 14(e) as though set forth fully.

22 **ADDITIONAL DISCIPLINARY CONSIDERATION**

23 16. To determine the degree of discipline, if any, to be imposed on
24 Respondent, Complainant alleges that on or about February 8, 1990, in a prior disciplinary action
25 before the Bureau entitled *In the Matter of the Accusation Against Dorothy Mae Thompson*, Case

26 1. At the time of her conviction for vehicular manslaughter, August 5, 2005, Respondent
27 admitted special allegations pursuant to Penal Code section 1170.12, to the effect that she was
28 previously convicted of the two serious violent felonies in criminal case no. TA010913, as
described.

1 No. 5127, the Bureau found that Respondent's license was subject to discipline as a result of
2 unprofessional conduct while on duty as a licensed vocational nurse at Metropolitan State
3 Hospital in Norwalk, California in Summer of 1986. In its decision, the Board determined that
4 Respondent had "*exhibited bizarre and aberrant behavior*" and engaged in "*rude and verbally*
5 *abusive*" conduct with patients and other staff members, and made "*verbal and written threats*"
6 to other staff members. After a hearing, Respondent's Licensed Vocational Nurse License
7 No. VN 74482, was revoked, with the revocation stayed, subject to probationary terms and
8 conditions. That decision is now final. A copy of the decision is attached as Exhibit A to this
9 Accusation and incorporated herein as though fully set forth.

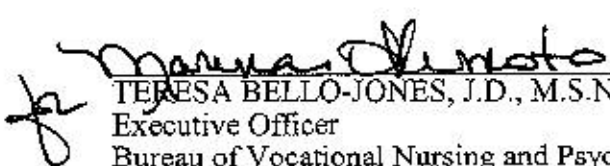
10 17. By her own report, in or about November of 2003, Respondent was ordered
11 to undergo psychiatric evaluation for mental competence by a Los Angeles Superior Court
12 (Norwalk) Judge prior to criminal proceedings which resulted in conviction for vehicular
13 manslaughter in August of 2005.

14 PRAYER

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Bureau issue a decision:

- 17 1. Revoking or suspending Vocational Nurse License Number VN 74482,
18 issued to Respondent;
- 19 2. Ordering Respondent to pay the Bureau the reasonable costs of the
20 investigation and enforcement of this case, pursuant to Code section 125.3; and
- 21 3. Taking such other and further action as is deemed necessary and proper.

22 DATED: November 18, 2008

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24 
TERESA BELLO-JONES, J.D., M.S.N., R.N.
25 Executive Officer
26 Bureau of Vocational Nursing and Psychiatric Technicians
27 Department of Consumer Affairs
28 State of California
Complainant

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EXHIBIT A

Accusation Against Dorothy Mae Thompson
Board of Vocational Nurse and Psychiatric Technician Examiners Case No. 5127
Decision Effective : February 8, 1990

BEFORE THE
BOARD OF VOCATIONAL NURSE AND
PSYCHIATRIC TECHNICIAN EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:

DOROTHY MAE THOMPSON
812 S. Essey Avenue
Compton, California 90221
Vocational Nurse License
No. B-74482

No. 5127

L-44469

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nurse and Psychiatric Technician Examiners as its Decision in the above-entitled matter.

This Decision shall become effective on
February 8, 1990.

IT IS SO ORDERED January 9, 1990.

BOARD OF VOCATIONAL NURSE AND
PSYCHIATRIC TECHNICIAN EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

BY: [Signature]
Board President

BEFORE THE
BOARD OF VOCATIONAL NURSE AND
PSYCHIATRIC TECHNICIAN EXAMINERS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	No. 5127
)	
DOROTHY MAE THOMPSON)	
812 S. Essey Avenue)	L-44469
Compton, California 90221)	
Vocational Nurse License)	
No. B-74482)	
)	
)	
Respondent.)	

PROPOSED DECISION-

This matter came on regularly for hearing before W. F. Byrnes, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on August 21, 1989. Stephen S. Handin, Deputy Attorney General, represented the complainant. Respondent represented herself. Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds the following facts:

I

Billie Haynes, R.N., M.Ed., made the Accusation in her official capacity as Executive Officer of the Board of Vocational Nurse and Psychiatric Technician Examiners.

II

On November 26, 1976, the Board of Vocational Nurse and Psychiatric Technician Examiners issued Vocational Nurse license No. 74482 to Dorothy Mae Thompson (hereinafter "respondent"). The license is renewed to February 28, 1991, and is in good standing.

III

Respondent has subjected her license to discipline on the grounds of unprofessional conduct in that while on duty as a Licensed Vocational Nurse at Metropolitan State Hospital in Norwalk, California, during a period from approximately June 13, 1986, through July 21, 1986, she committed the following acts:

A. Respondent exhibited bizarre and aberrant behavior.

B. Respondent was rude and verbally abusive towards and about patients and other staff members.

C. Respondent made verbal and written threats to other staff members.

The conduct described above is substantially related to the qualifications, functions, and duties of a Licensed Vocational Nurse.

IV

It was not established by the requisite standard of proof that respondent has been guilty of incompetence in carrying out usual nursing functions within the meaning of section 2520 of Title 16 of the California Code of Regulations.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

Cause exists for license discipline against respondent pursuant to sections 2875 and 2878(a) of the Business and Professions Code, by reason of Finding III.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Licensed Vocational Nurse license No. 74482, heretofore issued to respondent Dorothy Mae Thompson, is revoked; provided, however, that the order of revocation is stayed and respondent is placed on probation for three (3) years upon the following terms and conditions:

1. Respondent shall obey all laws in addition to rules and regulations pertaining to her subject licensed practice.

2. Respondent shall fully comply with the Probation Program established by the Board and shall cooperate with the representatives of the Board.

3. Respondent shall immediately notify the Board of any and all changes of address. In the event respondent should leave California to reside outside of the state, she must notify the Board, in writing, of the dates of departure and return. Periods of residency or practice outside of the State of California will not apply to the reduction of this probationary period.

4. Respondent shall submit quarterly written probation reports, to the Board, describing her activities in the health care profession. Further, respondent shall within five (5) days of any arrest by law enforcement authorities submit to the Board a full and detailed account of such arrest.

5. Respondent, if she is presently employed in any area of the health care profession* in California, during the period of probation, shall notify her employer of the probation status upon the effective date of the Board's Decision. Thereafter, the employer shall acknowledge understanding of the probationary status of the licensee through a signature on the required written reports.

If respondent is not presently employed in any area of the health care profession, but applies for work in this field, during the period of probation, she shall inform any prospective employer of her probationary status with the Board prior to accepting such employment.

*Health Care Profession includes, but is not limited to the following:

Emergency Medical Technician	Nurse's Aide
Emergency Room Technician	Orderly
Home Health Aide	Paramedic
Medical Technician Assistant	Registered Nurse
Medical Receptionist	

Respondent must notify the Board within ten (10) days if she changes employers in any area of the health care profession.

6. Within thirty (30) days from the effective date of this probationary period and prior to enrollment, respondent shall submit, for the approval of the Board, the time, place and content of an educational course substantially related to

the violation to improve her skills and knowledge in the designated area determined by the Board (i.e., pharmacology, interpersonal relations, charting, etc.). Immediately upon completion respondent shall cause the instructor to furnish proof, to the Board, that respondent has successfully completed the course.

7. Prior to resuming, or within thirty (30) days if currently employed in the health care profession in California, respondent shall have a licensed mental health practitioner, approved by the Board, submit in a format acceptable to the Board, an assessment of respondent's condition and mental capability to perform the duties of a licensed vocational nurse. This report shall also include a statement by the mental health practitioner that he has read and understands the contents of this Decision.

If recommended, a treatment program shall be instituted and followed by the respondent.

If a treatment program is required, then respondent shall cause the mental health practitioner to submit to the Board such periodic reports as the Board may require concerning respondent's status and progress.

If this program is not completed the probationary period may be extended at the option of the Board, as it deems best in the public interest.

8. Upon the demand of the Board or its representatives respondent shall submit to tests and samplings for the possible detection of alcohol, narcotics, dangerous drugs, and/or controlled substances.

These tests and samples shall be conducted by an agency acceptable to the Board. Positive lab results will be promptly reported to the Board and respondent current employer.

9. An initial probation visit will be required by the respondent, within thirty (30) days of the effective date of the Decision, for the purpose of introducing the respondent to the Board's representative and familiarizing her with her specific probation conditions and requirements.

10. Respondent shall report in person to a Board representative biannually, or upon request, for the purpose of ensuring compliance with the Board-imposed probationary terms and conditions.

11. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to vacate stay is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final.

DATED: 9-18-89


W. F. BYRNES

Administrative Law Judge
Office of Administrative Hearings

WFB:bcm